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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|---------------------------------|----------------------|---------------------|------------------|
| 10/760,590 | 01/20/2004 | Christopher T. Boyer | . 224795 | 1107 |
| | 7590 03/19/200 `& MAYER, LTD | 7 | EXAM | IINER |
| TWO PRUDENTIAL PLAZA, SUITE 4900 CHIN, RANDALL E 180 NORTH STETSON AVENUE | | NDALL E | | |
| | | | ART UNIT | PAPER NUMBER |
| | | | . 1744 | • |
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| SHORTENED STATUTORY | Y PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE | |
| 31 D | AYS | 03/19/2007 | PAPER | |

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

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|--|---|---|----------|
| | Application No. | Applicant(s) | • |
| | 10/760,590 | BOYER ET AL. | |
| Office Action Summary | Examiner | Art Unit | |
| | Randall Chin | 1744 | |
| The MAILING DATE of this communication ap Period for Reply | opears on the cover sheet w | ith the correspondence addre | ss |
| A SHORTENED STATUTORY PERIOD FOR REPONDED TO STATUTORY PERIOD FOR REPONDED TO STATUTORY PERIOD FOR REPONDED TO STATE AND STATE OF | DATE OF THIS COMMUNI .136(a). In no event, however, may a d will apply and will expire SIX (6) MOI tte, cause the application to become A | CATION. reply be timely filed ITHS from the mailing date of this commination (35 U.S.C. § 133). | |
| Status | | | |
| 1) Responsive to communication(s) filed on | • | • | |
| 2a) This action is FINAL . 2b) Th | is action is non-final. | , | |
| 3) Since this application is in condition for allow | ance except for formal mat | ers, prosecution as to the me | erits is |
| closed in accordance with the practice under | Ex parte Quayle, 1935 C.E. |). 11, 453 O.G. 213. | • |
| Disposition of Claims | | | |
| 4) Claim(s) 1-27 is/are pending in the application 4a) Of the above claim(s) is/are withdra 5) Claim(s) is/are allowed. 6) Claim(s) is/are rejected. 7) Claim(s) is/are objected to. 8) Claim(s) 1-27 are subject to restriction and/or | awn from consideration. | · · | |
| Application Papers | | | |
| 9) The specification is objected to by the Examin | ner. | | |
| 10) The drawing(s) filed on is/are: a) ac | | by the Examiner. | |
| Applicant may not request that any objection to the | e drawing(s) be held in abeya | nce. See 37 CFR 1.85(a). | |
| Replacement drawing sheet(s) including the corre | ction is required if the drawing | (s) is objected to. See 37 CFR 1 | .121(d). |
| 11) The oath or declaration is objected to by the E | Examiner. Note the attached | d Office Action or form PTO- | 152. |
| Priority under 35 U.S.C. § 119 | | | |
| 12) Acknowledgment is made of a claim for foreig a) All b) Some * c) None of: 1. Certified copies of the priority documer 2. Certified copies of the priority documer 3. Copies of the certified copies of the priority application from the International Burea * See the attached detailed Office action for a list | nts have been received. Ints have been received in A Introduction or | pplication No received in this National Sta | ge |
| | | | |
| Attachment(s) | | | |
| Notice of References Cited (PTO-892) Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date | Paper No(| Summary (PTO-413) s)/Mail Date nformal Patent Application | · |
| | | | |

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DETAILED ACTION

Election/Restrictions

1. This application contains claims directed to the following patentably distinct species: 1) Figs. 1-11 and 2) Figs. 12-13.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claim is generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species.

MPEP § 809.02(a).

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

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The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

- 2. In paragraph [0021] (under the "Brief Description of the Drawings" section), it appears "FIG. 11" should read –FIG. 12--.
- Any inquiry concerning this communication or earlier communications from the examiner should be directed to Randall Chin whose telephone number is (571) 272-1270. The examiner can normally be reached on Monday through Thursday and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gladys Corcoran can be reached on (571) 272-1214. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 5717272-1000.

> Randall Chin **Primary Examiner**

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